

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21059 of 2004

Between:

M. Narayana Reddy, S/o. Rama Raghava Reddy,
R/o. Kattuvapalli Village, Manubolu Mandal, Nellore district.

..... PETITIONER

AND

- 1 The District Collector, Nellore, Nellore district.
- 2 The Revenue Divisional Officer, Gudur, Nellore district.
- 3 The Mandal Revenue Officer, Manuubolu Village & Mandal, Nellore district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to "pass a Writ, order or a direction, one in the nature of Writ of Mandamus, declaring the action of the 3rd Respondenti n evicting the petitioner from the land to an extent of Ac.4.26 cents in sy.No.s 230 /2 situated in Kattuvappalli Village, Manubolu Mandal, Nellore district, without conducting any enquiry, is arbitrary, unreasonable and in violation of the principles of natural justice and accordingly setaside the impugned order of the 3rd respondent made in Rc.No. B230 dated 07-09-2004k and consequently, direct the Respondents not to take any action int he evicting the petitioner fromt he subject matter of land to an extent Ac. 4.26 cents in Sy.No. 230/2 situated in Kattuvapalli Village, Manubolu Mandal, Nellore District"

Counsel for the Petitioner:MR.G.TUHIN KUMAR

Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the stage of admission, made the following:

ORDER

Petitioner claims to be purchased the land to an extent of Ac.4.26 cents in Sy.No.230/2, situate in Kattuvapalli village, Manubolu Mandal, Nellore district from one Duvvuru Narayana Reddy, who was originally assigned with the land, in the year 1993. By the impugned order dated 7.9.2004 the Mandal Revenue Officer, Manubolu-third respondent herein ordered for resumption of possession of the land to the Government on the ground that the petitioner purchased the assigned land by violating the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Petitioner contends that though he submitted an explanation on 26.7.2004 pursuant to the show cause notice dated 19.7.2004 issued by the third respondent, requesting to assign the land in question in his favour since he is a landless poor and is entitled for benefit under Section 3(5) of the Act, without considering the same, the impugned orders are passed.

Against the impugned order passed by the third respondent, a statutory appeal lies under Section 4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 to the Revenue Divisional Officer. Hence, the petitioner is at liberty to approach the appellate authority by filing an appeal and it is always open for him to raise all the grounds including that of the grounds that he purchased the property in good faith and as a landless poor he is entitled to the benefits of sub-Section (5) of Section 3 of the Act, in the appeal to be filed by him.

The writ petition is accordingly dismissed with the above observations with no order as to costs.

A. GOPAL REDDY. J.

18th November, 2004

tsr.

To

- 1 The District Collector, Nellore, Nellore district.
- 2 The Revenue Divisional Officer, Gudur, Nellore district.
- 3 The Mandal Revenue Officer, Manuubolu Village & Mandal, Nellore district
4. Two C.C.s to Government Pleader for Revenue, High Court Buildings,
Hyderabad.(OUT)
- 5 Two C.D. copies.